

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BILL RICHARD MONTOYA, )  
Plaintiff, ) CASE NO. C12-0412-MJP-MAT  
v. )  
MICHAEL ASTRUE, ) REPORT AND RECOMMENDATION  
Commissioner of Social Security, )  
Defendant. )  
\_\_\_\_\_  
)

Plaintiff brought this action to seek judicial review of the denial of his applications for Supplemental Security Income and Disability Insurance Benefits by the Commissioner of the Social Security Administration. The parties have now stipulated that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 21.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The parties stipulate that, on remand, the Administrative Law Judge will:

(1) reevaluate the medical record, including the medical source opinions of Dr. Borton and Dr. Hopfenbeck; and (2) as necessary, reevaluate the residual functional capacity finding and any

01 subsequent findings in the sequential evaluation process. Additionally, upon proper  
02 application, the Court will consider plaintiff's application for attorney's fees and expenses  
03 pursuant to 28 U.S.C. § 2412, and costs pursuant to 28 U.S.C. § 1920.

04 Given the above, the Court recommends that Chief United States District Judge Marsha  
05 J. Pechman immediately approve this Report and Recommendation and order the case  
06 REVERSED and REMANDED for further administrative proceedings. A proposed order  
07 accompanies this Report and Recommendation.

08 DATED this 15th day of August, 2012.

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12 Mary Alice Theiler  
13 United States Magistrate Judge  
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